

Government of the District of Columbia
Department of Insurance, Securities and Banking

Thomas E. Hampton
Commissioner



IN THE MATTER OF:)

ADMINISTRATIVE ORDER

P & D, Inc., dba Skyland Liquors)
_____)

Order No. BB-06-01

CONSENT AGREEMENT AND SETTLEMENT ORDER

The Commissioner of the District of Columbia Department of Insurance, Securities and Banking ("Department"), having the power to administer and provide for enforcement of the District of Columbia Check Cashers Act of 1998, effective May 12, 1998 (D.C. Law 12-111; D.C. Official Code § 26-301 et seq. (2001)) ("Act"), upon due consideration of the subject matter hereof, has determined as follows:

STATEMENT OF FACTS

1. P & D, Inc., dba Skyland Liquors ("Respondent") is a liquor store located at 2648 Naylor Road, SE, Washington, DC 20020 ("Business Location").
2. Respondent has been engaged in the cashing of checks for a fee, at the Business Location since March 20, 2003 ("Unlicensed Activities"), and as such, was required to have a license as a Check Casher pursuant to section 3 of the Act.
3. Respondent does not have a Check Cashers license, and each check cashing transaction conducted by Respondent is a violation of that Act.
4. Respondent represents that it purchased its business from the previous owner on March 20, 2003.

5. The previous owners of the business were licensed as a Check Casher until December 21, 1999.
6. Respondent represents that it inadvertently believed it was properly licensed as a Check Casher under the Act.
7. On November 18, 2005, Respondent filed an application for a Check Cashers license pursuant to section 5 of the Act.
8. Section 9(a) of the Act provides that the Commissioner may deny issuance of a license where it is found that the applicant will not conduct its business honestly and carefully.
9. In order to comply with the Act and to redress its previous unlicensed activities, Respondent admits that it inadvertently violated the Act and offers to settle this matter without a hearing. Respondent waives its right to complete the administrative hearing process and waives its right to appeal this Consent Agreement and Settlement Order ("Agreement"), and Respondent agrees to the conditions set forth herein.

CONCLUSION OF LAW

Respondent, at the Business Location, inadvertently engaged in the cashing of checks within the meaning of section 2(2) of the Act without first having a license as required by section 3 of the Act.

ORDER

WHEREAS, the Department, based on information submitted by the Respondent, is satisfied that the violations alleged, supra, were not willful and that the Respondent is now taking the corrective action;

WHEREAS, Respondent wishes to resolve the alleged violations by entering into this Agreement with the Department of Insurance, Securities and Banking, subject to the approval of the Commissioner, as follows:

1. The Respondent waives its right to further notice and hearing in this matter.

2. The Respondent agrees to pay a fine in the amount of five thousand dollars (\$5,000) to the Department upon execution of this Agreement.
3. The Respondent agrees to pay three years of license renewal fees of two hundred dollars (\$200) per year for a total of six hundred dollars (\$600) for the fees that would have been paid had the license been in effect since 2003.
4. Except as provided in paragraph 5 of this section, the Department agrees not to pursue other administrative remedies available under its administrative authority relating to the Unlicensed Activities and also agrees not to pursue additional levies, fees, or actions with Respondent in connection with the Unlicensed Activities.
5. The Department hereby accepts Respondent's payment of the fine. The Department may take any action necessary to enforce the provisions of this Agreement, including, but not limited to, the suspension or revocation of a Check Casher license issued to Respondent, the issuance of a cease and desist order, or the assessment of a fine or penalty. Additionally, this Agreement shall not affect the jurisdiction or authority of the Department to take any administrative or regulatory action to administer the Act or any other law administered by the Department which is applicable to Respondent or its business for actions not covered by this Agreement.
6. In order to resolve the violations of the Act, Respondent agrees that the Department may immediately suspend or revoke a Check Casher license issued to Respondent upon Respondent's failure to satisfy any of the conditions set forth in this Agreement, and that Respondent hereby waives any right to a hearing provided under sections 17 or 22, or under the Administrative Procedures Act, and waives its right to appeal this Agreement.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. That Respondent shall ensure that proper procedures are implemented to preclude any future non-compliance with the Act, and shall not engage in the cashing of checks unless it receives a Check Cashers license from the Department.

2. That in lieu of taking any enforcement action, the Commissioner will agree to accept Respondent's payment of a fine in the amount of five thousand dollars (\$5,000) and licensing renewal fees of six hundred dollars (\$600) made payable to the D.C. Treasurer, and will take no other enforcement action with respect to the Unlicensed Activities as long as the Respondent complies with the terms of this Agreement.
3. If Respondent applies for, and receives, a Check Cashers license from the Department, Respondent agrees to provide a bond in conformance with the requirements established in section 8(a) of the Act; provided that the amount of the bond shall be ten thousand dollars (\$10,000) for the initial license period and the subsequent renewal license period.
4. Respondent shall notify the Department within two (2) business days of any changes to the ownership of Respondent.
5. Within ten (10) days of the execution of this Agreement, Respondent shall submit to the Department a report signed by an authorized officer of Respondent that discloses any outstanding consumer complaints or inquiries involving the Respondent's business in the District of Columbia as of the date of this Agreement.
6. Respondent shall ensure that internal controls and operating procedures are implemented to preclude any future non-compliance with the Act. Copies of internal controls and operating procedures shall be submitted to the Department within thirty (30) of the execution of this Agreement.
7. That the Commissioner finds this Agreement necessary and appropriate and in the public interest for the protection of check cashing consumers and consistent with the purposes fairly intended by the policy and provisions of the Act.

Agreed and Consented to:

Dated: District of Columbia

July 6, 2006

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

BY:

Howard Amer 9/28/06
Howard Amer
Associate Commissioner, Banking Bureau

RESPONDENT

P & D, Inc., dba Skyland Liquors

BY:

Joseph C. Lumber 7/6/06

SO ORDERED:

Dated this 6th day of July, 2006.

APPROVED and so ORDERED:

In Witness Whereof, I have hereunto
set my hand and affixed the official
seal of this Department in the District
of Columbia, this 6th day of June, July
2006.

Thomas E. Hampton
Thomas E. Hampton
Commissioner